

# German Patent and Trademark Office

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22<sup>nd</sup> February 2005

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That which applies is crossed ☒ and/or filled out

**Request for examination, date of payment on 28<sup>th</sup> April 2000**

**Submission of**

**received on**

Examination of the above-named patent application has led to the following outcome.

For preparing a response, a time period of

**4 month(s)**

is granted. The time period begins on the date following the date of receipt of this notice.

Documents which may be enclosed with the Response (e.g. description, parts of the description, patent claims, drawings) are each required in duplicate, on separate sheets. Only one copy of the Response itself is needed.

If the description, the patent claims or the drawings are changed in the course of the proceedings, the applicant – providing the changes are not proposed by the German Patent and Trademark Office – must indicate in detail where in the original documents the features of the invention described in the new documents are disclosed.

In this Official Letter, the following citations are mentioned for the first time (the numbering of which will be maintained throughout the proceedings):

**copy of 2 citation(s).**

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## Note on the option of branching off a utility model

The applicant of a patent application filed with effect in the Federal Republic of Germany may file a utility model application relating to the same subject and simultaneously claim the priority of the earlier patent application. Such branching off (§5 of the Utility Models Act) is possible up to two months from the end of the month in which: the patent application is concluded by a legal rejection, voluntary retraction or fictive retraction; an opposition procedure is concluded; or – where the patent is granted – the time period for appealing against the decision to grant expires to no avail. Detailed information on the requirements for a utility model application, including branching off, is contained in "Merkblatt für Gebrauchsmusteranmelder (G 6181)" (Instructions for Utility Model Applicants), which is available from the Patent and Trademark Office and patent information centres free of charge.

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(1) JP 10-336 366 A

(2) JP 10-312 454 A

An image processing apparatus is known from Figure 1 of citation (1) - also quoted in the parallel Japanese examination proceedings - comprising:

- an image reading unit 11 which reads first image data;
- an image memory unit 25 which writes/reads image data by controlling an image memory control unit 26 via the interfaces 27a, 27b, 28a, 28b;
- an image processing unit comprising a means 21 for  $\gamma$  correction, a means 22 for filtering, a means 23 for magnification and a means 24 for quality improvement, all of which process image data in order to produce third image data; and
- an image writing means 15 which prints an image corresponding to image data (see paragraphs [0015] to [0017]).

Furthermore, the image processing apparatus known from (1) has an image data control means consisting of a central control 18 and the selectors 19 and 20 (see paragraph [0014]) which receives the first, second and third image data and transmits them to any one of the following units:

- the image memory control unit 26 (with the selector 20);
- the image processing unit (with the selector 19);
- the image writing unit 15 (with the selector 20).

The subject claimed in patent claim 1 is therefore not novel in view of the prior art in accordance with (1); claim 1 is not allowable.

Since, in the prior art in accordance with (1), the two selectors 19 and 20 are also connected to each other in both data flow directions (see the arrows on the upper and lower edge, respectively), image data control can be performed from the image reading unit 11 to the selector 19 and then either directly or via image processing to the selector 20, from there to the memory 25, from there to the selector 19, from there directly or via an image processing unit to the selector 20 and finally to the image writing unit 15, under the control of the central control (see paragraphs [0017] to [0021] in this respect).

The subjects of independent claims 7 and 14 are therefore also not novel. Patent claims 7 and 14 are not allowable.

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The units which the image processing apparatus known from (1) comprises also include facsimile receiving and transmission units 12 and 18, such that the known apparatus can also transmit and receive image data if appropriately controlled. Taken together, the units 12 and 18 are a facsimile control unit in the sense of the subject of the application, for a transmission/receiving process.

The subject of independent method claim 22 is therefore also not novel, since all the other features have already been treated with respect to claims 1 and 7, and image processing will always proceed according to a destination in accordance with user inputs.

Claim 22 is not allowable.

It is beyond all reasonable doubt that the central control 18 in the prior art uses a processor which operates in accordance with a program and that this program is stored in a memory which it can read.

Claim 24 is therefore also not allowable, for lack of novelty in its subject.

It can be gathered from citation (2), paragraph [0001], that so-called SIMD processors are specifically the appropriate means of choice for high-speed image processing. Using such a processor in the prior art in accordance with (1) may be imputed to the knowledge of the average person skilled in the art.

Using multiple processors and networking the individual sub-assemblies in accordance with (1) by means of appropriate buses may likewise be regarded as technical proficiency, such that it is currently also not possible to gather anything from the sub-claims which could justify the grant of a patent.

Examining Division for Class H04N

Dipl.-Ing. Grobe  
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**executed**  
[signature]  
official clerk

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